IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE N. V. RAMANA

Writ Petition No.26025 of 1998

Dated: 12-09-2007

Between:

Shaik Haji Basha @ Shaik Basha,
s/o Saida Basha,
r/o Vijayawada,
Krishna District.

... Petitioner

and

1. The Andhra Pradesh State Road Transport Corporation,
   rep. by its Managing Director,
   Mushirabad,
   Hyderabad and another.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* declaring the impugned proceedings No.L2/876(87)/96-RM (V), dated 10-06-1998 issued by second respondent rejecting petitioner's case for appointment as cleaner under the 'Displaced Employees Quota', as arbitrary and illegal.

2. Petitioner states that he worked as cleaner of bus bearing No.ATK 2799 on Route No.39 in Vijayawada from 04-04-1987 till the date of its nationalization i.e. on 31-12-1989. Pursuant to the nationalization of the city routes in Vijayawada including the route in question, the owner of the bus in question submitted list of workers

working as on the date of nationalization of the route. Immediately after coming to know that the owner of the bus did not sponsor his name, he approached the owner of the bus as well as the officials of the respondent Corporation requesting them to absorb him as a cleaner or in any other post. As his case was not considered, he filed W.P.No.5783 of 1992 and this Court on 23-12-1992 in W.P.M.P.No.7320 of 1992 granted interim direction directing respondents to consider his case for absorption in the light of the certificate issued by the Labour Officer, Vijayawada dated 16-09-1991 and taking into consideration the agreement entered into between the Union and the Management. Pursuant to the said directions, respondents conducted interview and after interview, it was alleged to have found that the record submitted by him is not genuine and rejected his claim. Thereafter,

this Court on 30-04-1997 while disposing W.P.No.5783 of 1992 directed respondents to consider the case of petitioner if he makes a fresh application along with all particulars. Pursuant to the said directions,

he submitted a representation with all relevant particulars and as per the directions of second respondent he appeared before the Departmental Selection Committee on 04-03-1998. He also states that he was issued another show cause notice, dated 15-04-1998 asserting similar grounds of rejection, for which also he submitted a detailed reply with all relevant documents and thereupon second respondent passed the impugned proceedings dated 10-06-1998 rejecting his case for absorption. Assailing the said proceedings the present writ petition has been filed.

3. A detailed counter affidavit is filed on behalf of respondents denying the averments mentioned in the affidavit filed in support of the writ petition.

4. Heard learned counsel for petitioner and learned Standing

Counsel appearing for respondent Corporation and also perused the record produced by the learned Standing Counsel.

5. Learned counsel for petitioner submitted that in the earlier round of litigation when petitioner filed W.P.No.5783 of 1992, this Court while disposing the writ petition on 30-04-1997 directed respondents to consider the case of petitioner for absorption as Cleaner in the respondent Corporation under the 'Displaced Employees Quota' provided if he made a fresh application along with all particulars. It is the contention of learned counsel for petitioner that though petitioner submitted a detailed representation along with all particulars, second respondent without properly considering his representation in consonance with the Circulars of the respondent Corporation and the order of this Court, dated
30-04-1997 passed in W.P.No.5783 of 1992, arbitrarily and illegally rejected the case of petitioner for absorption.

6. From a perusal of the record produced by learned Standing Counsel appearing for the respondent Corporation, it is evident that either the statement showing the particulars of the employees worked on Bus No.ATK 2799 given by the owner of the bus, which was certified by the Labour Enforcement Officer, Vijayawada or the similar certificate issued by the Assistant Labour Officer, Vijayawada, does not indicate the name of petitioner as employee as on the date of the nationalization of the bus in question. Similarly, the statement showing the particulars of the employees worked on the bus in question furnished by the Principal Secretary, Vijayawada City Bus Employees Union, Governorpet, Vijayawada also does not indicate the name of petitioner as an employee on the bus in question. Further, it also appears that in the particulars of employees on the bus in question furnished by the Traffic and Security Representative also, the name of petitioner does not find place. Moreover, as per the record it appears

that petitioner has submitted two date of birth certificates, which are contrary to each other; one certificate issued by the Registrar of Births & Deaths, Municipal Corporation, Vijayawada shows that the date of birth of petitioner as ”24-12-1969” and the Record Sheet of petitioner furnished by the Head Master, Municipal Primary School, Vidyadhrapuram, Vijayawada shows the date of birth as “15-06-1971”.

7. Taking into consideration all the aforesaid aspects, the second respondent has rightly rejected the claim of petitioner for absorption. Therefore, I am of the considered view that the contention of learned counsel for petitioner cannot be countenanced and there are no justifiable reasons to interfere with the proceedings impugned.

8. Accordingly, the writ petition is dismissed. No costs.

JUSTICE N. V. RAMANA

Dt.12-09-2007
GLV